

# Portland chief promises probe of fatal shooting

Residents complain officer didn't need to shoot woman who tried to drive away

THE ASSOCIATED PRESS

PORTLAND — Police Chief Mark Kroeker promised outraged community members that he would conduct a thorough investigation into the fatal shooting of a 21-year-old woman during a traffic stop in North Portland.

"I want to make it very clear to everyone here that I'm not happy about what happened," Kroeker told about 40 people, mostly black residents, who crowded into Northeast Precinct on Friday.

Many who attended voiced distrust of the process for investigating police shootings. They predicted the grand jurors who hear the case next week probably will rule Officer Scott McCollister was justified when he fired his 9 mm handgun at Kendra S. James.

"It's always the same, same verdict — justifiable," said Vesia Loving, a longtime North Portland resident.

Kroeker, two of his assistant chiefs and the detective division's commander said they could not explain why McCollister, 27, used deadly force because he was being interviewed Friday by detectives for the first time.

The officials said McCollister fired one shot at James, striking her in the side as she tried to drive off. She died of a chest wound.

Several people, including state Sen. Avel Gordly, D-Portland, said they were disturbed that it took four days before detectives interviewed McCollister. Kroeker said McCollister has a right to consult a lawyer before being questioned.

Detective Division Cmdr. Jim Ferraris gave this account of the event:

North Precinct Officer Rick Bean pulled over a 2002 Chevrolet Cavalier at 2:40 a.m. Monday for failure to come to a complete stop at a stop sign.

As Bean walked up to the car, two other officers were on their way to back him up. The driver, Terry Jackson, had no license. Bean took him into custody, placing him in the back of a patrol car.

Ferraris said as the officers "were preparing to deal with" the front passenger, Darnell White, James climbed from the back seat into the driver's seat and tried to drive off. James had a warrant for failure to appear in court on a charge of attempted possession of a controlled substance.

Bean, McCollister and Officer Kenneth Reynolds III were at the driver's side of the car, struggling with James.

"The woman put the car into gear, started the car. The car started to move," Ferraris said. "There were police officers engaged at the car with this woman, trying to get this woman into custody."

Reynolds fired a stun gun at James, but it failed because the electric probe went into her jacket but "apparently did not pierce her skin," Ferraris said. As the car continued to move, McCollister fired once.

After Ferraris' account, the questions flew.

Were the officers in harm's way? asked one man. Joe Keller drew a diagram of the car on an easel and asked, "Since James was shot in the side, how could the officer who fired have been in danger?"

Others asked whether the officers could have stepped away from the moving car to avoid it instead of shooting the driver.

# FBI opens civil rights inquiry into shooting

BY ANDREW KRAMER  
THE ASSOCIATED PRESS

PORTLAND — The FBI has opened a civil rights inquiry into the fatal shooting of a 21-year-old black woman by a white Portland Police Bureau officer during an early morning traffic stop last week, the agency said Tuesday.

A few hundred people attended a funeral earlier in the day for Kendra S. James, a mother of two killed as she tried to drive away from a traffic stop on May 5.

Officer Scott McCollister, 27, fired a single shot from his 9 mm pistol that pierced James' side, fatally wounding her. His union says he felt threatened by the moving car. Police said it appeared that the car struck McCollister's foot. The FBI said Portland Chief Mark Kroeker had asked the agency for an independent inquiry to determine whether any civil rights laws were violated.

The investigation follows a tense town hall meeting Friday between Kroeker, other police officials and 40 or so angry black leaders over the death, and accusations from family members that the shooting was not justified.

"It's real tough right now, I just don't understand how this happened to her, a young lady,"

Edward Jones, a friend of the family, told KGW television news after the funeral.

"There were lot of things that could have been done, that should have been done differently," he said.

Portland police spokesman Brian Schmautz said it was accusations of a cover-up leveled by black leaders that prompted police to ask the FBI for an independent investigation.

If the FBI investigation leads to a conviction, McCollister could be sentenced to life in prison or the death penalty under federal law.

Jane Brillhart, an FBI spokeswoman, said it's common for police departments to ask for an independent investigation of potential civil rights cases.

She declined to discuss specifics of McCollister's case.

James was riding in a rented car pulled over in the early morning on Monday. Police arrested the driver for failing to carry a license.

James, who was wanted on a warrant for failing to appear in court, climbed into the driver's seat and began to drive, according to police. Police say officers first fired a stun gun that apparently failed to penetrate James' clothes. A Multnomah County grand jury will decide whether to indict McCollister on state criminal charges.

# Grand jury clears officer in shooting

BY JOSEPH B. FRAZIER  
THE ASSOCIATED PRESS

PORTLAND — A Multnomah County grand jury says there is not enough evidence to indict a Portland police officer in the shooting death of a young woman who tried to flee from a traffic stop and resisted arrest.

District Attorney Michael Schrunk said Monday the seven-member grand jury was unanimous after hearing from 25 witnesses in person and four others by report over five days and concluded there was no evidence to bring criminal charges against Officer Scott McCollister, 27.

But Schrunk said the Portland Police Bureau will conduct an internal review to see whether bureau policy regarding the use of deadly force was followed and the FBI has opened a federal civil rights investigation into the May 5 shooting death of Kendra James, 21.

The case has stirred emotions among many in Portland's black community, who have met at church and on porch stoops to denounce the police's actions and call for change.

Pastor LeRoy Haynes of northeast Portland's Christian Methodist Episcopal Church said Portland's black community is "in this for the long run. We will diligently pursue justice in the shooting of Kendra James" and pursue changes in the Portland Police Bureau, the grand jury system and the district attorney's office.

"It does not end with the grand jury's findings. We will

continue to fight for justice," he said.

The shooting also prompted a tense town hall meeting between Police Chief Mark Kroeker, other police officials and about 40 black leaders many of whom agreed with family members that the shooting was not justified.

Senior Deputy District Attorney Stacey Heyworth said seven different versions of the shooting emerged from witnesses during the proceedings. She said McCollister felt his life was in danger and he feared he would be run over when James attempted to drive away from a traffic stop.

Heyworth said attempts to detain James with a stun gun were unsuccessful and that McCollister was 80 percent in the car when it moved and he feared being sucked underneath it.

James Ferraris, the police bureau's commander of detectives, said James was known to have fled from police and to have fought them to avoid arrest in the past. He said toxicology reports indicated she had used cocaine within about four hours of her death.

Senior Deputy District Attorney John Rees said McCollister tried to use chemical spray but was unsuccessful.

So McCollister fired a single shot from his 9 mm pistol. The bullet entered James' left side and lodged under her right breast. James was pronounced dead in the emergency room of Legacy Emanuel Hospital.

Tuesday, May 20, 2003, Corvallis Gazette-Times, Corvallis, Ore.

www.gazettetimes.com

# Cop cleared in shooting

*Multnomah County deputy shot driver as she fled at traffic stop*

By JOSEPH B. FRAZIER

Associated Press writer

PORTLAND — A Multnomah County grand jury declined Monday to indict a Portland police officer in the shooting death of a young woman who tried to flee from a traffic stop earlier this month.

District Attorney Michael Schrunk said the seven-member grand jury heard from more than 20 witnesses over five days and concluded there was no evidence to bring criminal charges against Officer Scott McCollister, 27.

But Schrunk said the Portland Police Bureau will conduct an internal review to see whether bureau policy regarding the use of deadly force was followed and the FBI has opened a federal civil rights investigation into the shooting death of Kendra James, 21.

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the district attorney's office.

"It does not end with the grand jury's findings. We will continue to fight for justice," he said.

The shooting also prompted a tense town hall meeting between Police Chief Mark Kroeker, other police officials and about 40 black leaders many of whom agreed with family members that the shooting was not justified.

"The community's belief is that an alternative method of force could have been used," said Kelvin Hall, working on behalf of the James family as president of the Equal Advocacy Center.

Senior Deputy District Attorney Stacey Heyworth said seven different versions of the shooting emerged from witnesses during the proceedings. She said McCollister felt his life was in danger and he feared he would be run over when James attempted to drive away from a traffic stop early on the morning of May 5.

Heyworth said attempts to detain James with a stun gun were unsuccessful and that McCollister was 80 percent in the car when it moved and he feared being sucked underneath it.

James Ferraris, the police bureau's commander of detectives, said James was known to have fled from police and to have fought them to avoid arrest in the past.

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So McCollister fired a single shot from his 9 mm pistol. The bullet entered James' left side and lodged under her right breast. James was pronounced dead in the emergency room of Legacy Emanuel Hospital.

Schrunk said the grand jury's decision did not mean the jurors agreed with the officer's actions. "They felt that it was a tragedy, too, but they had a narrow focus to determine whether criminal charges should be filed," he said.

The police officers' union defended McCollister, and police union president Robert King said the issue affects every officer.

If they get into a difficult situation and act in good faith, he said, "they need to know they will be supported."

Portland Mayor Vera Katz has called for a community review over issues including use of deadly force against unarmed people.

"We all understand that what's at stake is the bond of trust between the police and the community, especially the African-American community and the community of color," she said.

Kroeker said the bureau will review all aspects of police procedures including recruiting, selection, hiring and training.

"We ask for the community's patience as we continue forward with these efforts," he said.

He said police have met with family members and community leaders and that many are deeply disturbed and will have lingering questions.

"Some of the answers will not heal the hurt," he said.

STATESMAN JOURNAL ■ THURSDAY, MAY 22, 2003

# Experts question Portland shooting

**They criticize the handling of an arrest that led to a death.**

The Associated Press

PORTLAND — National police experts say there were a number of oversights and questionable decisions by Portland officers in the fatal shooting of a woman who tried to flee arrest after a traffic stop.

Officer Scott McCollister fired the fatal shot May 5 after Kendra James, 21, jumped into the driver's seat of the car and tried to escape. The single 9mm bullet entered below her lower left hip and lodged beneath her right breast.

McCollister, 27, told detectives he feared he would be killed by the moving car. On Monday, a grand jury cleared him of any criminal wrongdoing. An internal police investigation and FBI civil rights inquiry are pending.

Chief Mark Kroeker has ordered a review of police policy, training and officer recruitment after the shooting.

Police experts are criticizing the way the arrest was handled.

"I think there are some serious questions in my mind about the procedures," said Sam Walker, a

criminologist at the University of Nebraska who specializes in police oversight.

McCollister told police he fired because he was falling and was afraid he would be struck by the moving car. Other officers at the scene and witnesses who were walking by the traffic stop said they did not see McCollister fall.

Initial reports from officers at the scene suggested that McCollister first said his foot got stuck in the car. McCollister later denied making such a statement.

Geoffrey Alpert, a criminologist at the University of South Carolina who studies police shootings nationwide, said the first mistake by officers was not removing the keys from the car after they took the driver into custody for not carrying a license.

The officers, Alpert said, should have coordinated a plan to get James out of the car.

But Officer Rick Bean, when questioned by detectives, said, "There was no set out plan."

Experts also criticized a dinner that McCollister had with Officer Kenneth Reynolds and another officer after the shooting. General police policy calls for witnesses to a shooting to be separated until after they have been interviewed.

# Thousands rally in Portland, denouncing police brutality

**Marchers respond to the fatal shooting of a black woman by a white officer.**

BY STEVEN DU BOIS  
The Associated Press

PORTLAND — Some of them believed Kendra James was shot because of race. Some thought she was killed because of police brutality. Some said it was both. But the few thousand people who marched to the scene of her death Saturday were united in the belief that something has to change.

James, 21, was killed May 5 during a traffic stop in Northeast Portland. Officer Scott McCollister fired the shot after the unarmed black woman jumped into the driver's seat of the car and tried to escape.

McCollister, 27, who is white, told detectives he feared he would be killed by the moving car, and a grand jury cleared him of criminal wrongdoing.

The protesters said that nothing about the case surprised them — that police would follow and stop a car driven by black people late at night, that an officer would shoot and that a grand

jury would accept the officer's version of events.

"I have a 30-year-old son, and you think that something like this could happen to him," said Nabeeh Mustafa, 54, of Portland. "I've had my run-ins with police, and it's not so far out of the ordinary to think that I could have been in that situation."

Though the grand jury cleared McCollister, an internal police investigation and FBI civil-rights inquiry are pending. Chief Mark Kroeker has ordered a full organizational review of police policy, training and officer recruitment following the shooting.

With police keeping a respectful distance, the protesters — black and white — marched loudly through neighborhood streets, concluding with a rally at the Interstate 5 overpass where James was killed. The fence overlooking the freeway was crammed with flowers, stuffed animals, notes of support and a T-shirt that read "Melvin and Marque' Motherless."

Community leaders on the sidewalk and the people in the street called for McCollister's firing, changes in the Portland Police Bureau and an end to secret grand jury proceedings.

"When the grand jury didn't indict, we saw that things haven't changed," said Shauna Dixon, 23, a law student from Atlanta who grew up in Portland and said she once worked with James in a gang-prevention program.

"I'm totally outraged, and it's just sad," Dixon added. "Anytime you're faced with police brutality, it's important for the local community to stand up. You have to hold the police accountable."

McCollister told police that he fired because he was afraid he would be struck by the car. Other officers at the scene and two witnesses who were walking by the traffic stop said they did not see McCollister fall.

"He could have shot the tire. He could have gotten out the way," Dixon said. "There were several options where she wouldn't have been killed."

Others saw irony in the officer's claim that he feared for his life.

"His explanation is that he felt his life was threatened," said Lakita Logan, 23. "As people of color living in this neighborhood, we feel like our life is threatened every day."

CS0742

## Suspension recommended for officer involved in shooting

PORTLAND - The officer who fatally shot a 21-year-old North Portland woman during a routine traffic stop should face a "lengthy suspension" from his job, Portland Police Chief Mark Kroeker said Thursday.

Kroeker recommended "serious discipline" for Scott McCollister, 27, who shot Kendra James on May 5 after she climbed into the driver's seat and tried to drive away. Kroeker forwarded his proposal to Mayor Vera Katz, according

to a statement released by the police bureau.

"After lengthy and thoughtful consideration, I concluded that while the use of force itself was within established Bureau guidelines, the officer's actions leading up to the use of force are a concern," he wrote.

A grand jury declined to indict McCollister, on criminal charges in the shooting. The FBI has opened a civil rights investigation into the case.

Rev. LeRoy Haynes, a pastor

with the Albina Ministerial Alliance, which has organized prayer vigils and community

rallies for James, said a suspension does not go far enough.

— *The Associated Press*



America

## Portland Police officer is suspended

PORTLAND (AP) — The police officer who shot and killed Kendra James during a late-night traffic stop will be suspended without pay for 5½ months because of the tactical decisions he made before the shooting.

Officer Scott McCollister has already been cleared of criminal culpability for firing the fatal shot on May 5.

McCollister received Chief Mark Kroeker's six-page discipli-

nary letter in a meeting Thursday morning with Assistant Chief Derrick Foxworth. Kroeker said in the letter that although McCollister's shooting was within Portland Police Bureau guidelines and state law, his actions leading up to the shooting were tactically unsound.

The police union president immediately pledged to appeal the

punishment, defended McCollister's actions and assailed the chief's decision.

The chief identified McCollister's lack of tactical planning in deciding how to get James out of the car, his entering the car, the unholstering of his firearm inside the car and his failure to operate his pepper spray effectively as factors that led to his discipline.



## Family files \$10 million lawsuit against police

By **WILLIAM McCALL**  
Associated Press Writer

PORTLAND — A \$10 million wrongful death lawsuit filed Tuesday in federal court accuses the former police chief and the city of tolerating excessive force by officers that led to the death of an unarmed black woman during a traffic stop.

Kendra James, 21, was killed May 5 by Officer Scott McCollister after James climbed into the driver's seat of the car she was riding in and tried to drive away.

Former police Chief Mark Kroeker suspended McCollister for 5½ months without pay despite a Multnomah County grand jury ruling that cleared him.

"There was no situation created that even remotely justified pulling his gun, let alone shooting an unarmed woman," said Ken Walker, one of the attorneys for the James family.

The lawsuit also notes that police dragged

James out of the car after she was shot, handcuffed her and left her on the ground without any effort to provide first aid before paramedics arrived.

Brian Schmutz, a Portland Police Bureau spokesman, declined comment.

The complaint filed in U.S. District Court names McCollister, Kroeker, two other officers, the police bureau and the city as defendants.

McCollister, 27, who is white, has challenged his suspension, claiming he acted properly under the circumstances. He told investigators he shot James because he feared for his life when she started to drive away and dragged him along while he was partly outside the vehicle.

Robert King, president of the Portland Police Association, declined to comment on the lawsuit or the appeal of the suspension.

But King has said it was the single most serious penalty ever imposed on a Portland officer, short of being fired.

The Portland Police Bureau has posted on its Web site a response to 10 questions asked by

members of the black community, represented by the Albina Ministerial Alliance, following the shooting.

The posting says Kroeker suspended McCollister because the officer made "tactical errors" in the moments that led up to the shooting.

The Rev. Roy Tate, president of the Albina Ministerial Alliance and a critic of the shooting, did not return phone calls seeking comment.

But Tate has said the suspension was justified, and has called for a detailed investigation.

Ernest Warren, another attorney representing the James family, said Kroeker "basically took a set of facts that were calculated to exonerate McCollister without looking into the shooting in enough detail."

Warren said a dinner McCollister held with other officers after the shooting "gave them time to get their story straight."

McCollister has denied the shooting was discussed at the dinner, but Warren and Walker said it raised suspicions.

## In brief

### Portland officer kills motorist

PORTLAND — A police officer shot and killed a motorist in a laundromat parking lot, the authorities said Sunday.

The victim, who was not immediately identified, was dead at the scene in North Portland, said Sgt. Cheryl Robinson, the Portland police spokeswoman.

Robinson said a patrol car with two officers stopped a white Mitsubishi just after 5 p.m. One of the officers soon fired several shots into the car.

Robinson refused to say if the motorist, described by witnesses as a black man in his early 20s, had a gun. She said the car was stopped because of a routine traffic violation.

The shooting is in the same part of town where Kendra James, 21, was shot and killed in a traffic stop May 5.

The family of James, who is black, has filed a \$10 million wrongful death suit over the shooting. Officer Scott McColister, who fired the fatal shot, was cleared of wrongdoing by a grand jury but suspended without pay for 5 1/2 months because of tactical decisions he made before the shooting.

for the Oregon Youth Authority.

Pierce, also known as "Aaron Cronkite" or "Aaron Cronkite" stands about 5-foot-9 and weighs 160 pounds. He has brown eyes and brown hair. He was last seen wearing blue jeans, a dark, forest green T-shirt or sweatshirt and shoes of an unknown color. Pierce, a former resident of Multnomah County, was convicted of assault and carrying and using a dangerous weapon.

LaChapelle is 5-foot-2 and weighs about 151 pounds. He has blue eyes, blond hair that is parted down the middle and a goatee. He was last seen wearing blue jeans, white tennis shoes, and a dark, forest green sweatshirt. He used to live in Malheur County and was convicted of conspiracy to commit robbery.

### Men walk away from plane crash

KLAMATH FALLS — Two Canadian men walked away

from a small plane crash northeast of Chiloquin after they attempted an emergency landing in bad weather.

Pilot Emrich Rutu, 33, of Delta, and passenger Miroslav Pospisil, 35, of West Vancouver, suffered only minor injuries, according to the Klamath County Sheriff's Office.

The pair took off from Eugene bound for Las Vegas around 8:30 a.m. on Friday, flying a 1949 single-engine Luscombe T8F airplane, but ran into bad weather over southern Oregon and decided to try to land in an agricultural field.

During the approach, a sudden change in wind direction caused the plane to abruptly lose altitude and crash. The plane flipped over once on the ground. The National Traffic Safety Bureau and Federal Aviation Administration have been notified and will conduct an investigation.

Both men were treated for minor injuries and released from the Chiloquin Family Practice Center. "They were extremely lucky," Maj. Woody Pollock said.

— The Associated Press

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OREGON

# Fatal shooting leads to rebuke for two officers

## Kendra James' 2003 death sparked outrage in Portland

The Associated Press

PORTLAND — Portland police Chief Derrick Foxworth rebuked two officers involved in the fatal shooting of Kendra James, saying that they shouldn't have met for dinner before a grand jury convened.

Other than that, however, an internal-affairs investigation into seven post-shooting concerns will result in no punishments. The most serious allegation had been that officers failed to give James proper medical aid as she lay handcuffed in the street.

The chief's findings conclude the internal affairs investigation into the May 2003 shooting, which outraged the community and led to the resignation of former Chief Mark Kroeker.

James' family has filed a \$10 million lawsuit against the



**Foxworth**

city and the officers involved in the traffic stop.

Chris Bottoms, one of the James family's Portland attorneys, said Friday that the investigation had a predictable result.

"We didn't have any expectations that police internal affairs would produce anything positive for the James family," he said. "It's like the wolf guarding the henhouse."

The lawsuit contends that officers failed to provide medical care to James after she was shot.

Internal affairs investigators found no evidence that the officers violated the bureau's directive on emergency medical care. After pulling James from the car, Officer Scott McCollister called for paramedics. He said that he found no signs of a gunshot wound and didn't perform emergency resuscitation because he saw her chest rising and falling.

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## Counties to address deadly force

SALEM (AP) — The state Senate passed a bill this week that would require all 36 counties to create guidelines on how to prepare for, respond to and investigate the use of deadly force by police.

The bill, proposed by state Sen. Avel Gordly, D-Portland, also would release transcripts of grand jury testimony to the public if the officer involved is not indicted on criminal charges.

Gordly said releasing the transcripts would provide greater openness during the investigation. The bill would prevent the officer's testimony from being used against him in subsequent civil or administrative proceedings.

The bill was influenced by the Portland police shooting deaths of Kendra James in May 2003 and of James Jahar Perez in March 2004. Both shootings, which involved white officers shooting black motorists, prompted community outrage.

Gordly said Wednesday that the bill, if passed by the House, would enhance the overall administration of justice in the state.

"It says to the Oregon community that we have taken the concerns that public members have expressed about police use of deadly force, and we have come up with a policy to address those concerns," she said.

The bill would not allow public inquests into police use of deadly force until a grand jury clears the officer of criminal charges.

Brian DeLashmutt, a lobbyist with the Oregon Council of Police Associations, said public inquests do nothing to help the public understand the dynamics of an incident.

"Public inquests, in the officers' opinion, was just a canker in court," he said. "It serves no purpose other than to basically expose the officer in front of the public."

The bill would also prohibit any officer involved in a deadly shooting from returning to anything other than light duties for at least 72 hours.

Moreover, any investigation by a police agency of one of its own officers in a deadly shooting would need to include at least one member from another police department.

## Bill seeking deadly force information

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## Portland police chief to resign

Mark Kroeker's tenure was full of controversies.

BY JOSEPH B. FRAZIER  
The Associated Press

PORTLAND — Portland police Chief Mark Kroeker on Friday told Mayor Vera Katz that he will resign Oct. 17, saying the action was requested "through intermediaries" whom he would not identify.

He said he thought that the decision was not in Portland's interests.

The Portland Tribune quoted Katz, who as police commissioner is the only one who can remove Kroeker, as having said Thursday that she would not seek his resignation. It quoted Kroeker as saying that he had no plans to step down.

There was no indication of what may have happened overnight to change minds.

Katz named Assistant Chief Derrick Foxworth as acting chief.

Kroeker's tenure in Portland was rocky.

Activists criticized police handling of a May Day riot in downtown Portland in 2000, when hundreds of demonstrators clashed with officers, resulting in 20 arrests and 22 complaints of excessive police force.

Also in 2000, Katz briefly considered firing Kroeker after the Portland Alliance, an alternative newspaper, published anti-gay statements attributed to him 10 years before in Los Angeles.

Hispanics were furious when Kroeker gave the Police Medal to two officers who killed a migrant, Jose Santos Victor Mejia Poot, in a mental hospital in 2001.

Kroeker was criticized by Portland's black community for the handling of the death of Kendra James, who was shot by an officer May 5 when she tried to drive away during a traffic stop.

Kroeker suspended Officer Scott McCollister without pay for 5½ months, saying that McCollister's actions before the shooting were tactically unsound.



Kroeker

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## Judge lifts suspension in Kendra James shooting

PORTLAND (AP) — An arbitrator has lifted the suspension of a police officer who fatally shot an unarmed black motorist during a traffic stop, ruling that the department never conducted a full investigation into the shooting.

Officer Scott McCollister was suspended for 5 1/2 months following the shooting of 21-year-old Kendra James in May 2003. The shooting created an outcry among many Portland residents.

"My finding is based on my conclusions that the failure to conduct an IAD (Internal Affairs) investigation led to a fatal gap in the information available to the Chief on which to base his decision," wrote arbitrator John C. Truesdale in a 44-page opinion released Thursday.

Truesdale ordered the city to pay McCollister's lost wages and expunge the suspension from his record.

Chief Derrick Foxworth, who was an assistant chief when McCollister was disciplined and had recommended firing him, said he would abide by the arbitrator's decision.

The Portland Police Association challenged the suspension. McCollister returned to work in February 2004.

"It was our point from the start that not only did the discipline process move too quickly, but had they looked carefully at the facts, they would have decided McCollister acted in good faith and did what was necessary to defend himself," said Robert King, president of the police union.

**PORTLAND**

## Arbitrator: Officer's suspension unfounded

Department didn't  
fully investigate  
shooting, he says

The Associated Press

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"My finding is based on my conclusions that the failure to conduct an (Internal Affairs) investigation led to a fatal gap in the information available to the Chief on which to base his decision," arbitrator John Truesdale wrote in a 44-page opinion released Thursday.

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"It was our point from the start that not only did the discipline process move too quickly, but had they looked carefully at the facts, they would have decided McCollister acted in good faith and did what was necessary to defend himself," said Robert King, the president of the police union.

McCollister fatally shot James on May 5, 2003, as she tried to drive away from a traffic stop.

McCollister told investigators that most of his body was in the car when he tried to remove James from the driver's seat. When she put the car into drive, he instinctively fired to save his life, he said.

Police Chief Mark Kroeker and former Mayor Vera Katz, then the police commissioner, disciplined McCollister for unsatisfactory performance, effective Sept. 2, 2003.

Kroeker was forced to resign, and Foxworth replaced him.



# Grand jury bill gets opposition and support

SALEM (AP) — A pair of district attorneys testified against a proposal that would require the state to record testimony when grand juries consider cases involving deaths at the hands of police.

District Attorney Bob Hermann of Washington County and District Attorney Walt Beglau of Marion County addressed the Senate Judiciary Committee Thursday on behalf of the Oregon District Attorney's Association, which worries that the recording requirement may lead witnesses to be less forthcoming with information.

Beglau said grand juries exist as a check against the potential abuse of the government's power to charge individuals with crimes, and have been kept secret to help protect witnesses, victims and grand jurors against retaliation.

"This fundamentally changes that process for one class of citizen," he said, referring to law enforcement officers.

But one Oregon district attorney was firmly on the other side of the issue. District Attorney Michael Schruck of Multnomah County testified that the release of grand jury transcripts in these sometimes controversial cases would allow citizens to judge the facts for themselves.

"This is not a Portland issue," Schruck said. "Every community is probably one gunshot away from an incident like this."

The bill also has the support of state Attorney General Hardy Myers, who helped draft it with State Sen. Avel Gordly, a Portland independent.

Gordly introduced a similar bill in 2005, influenced by the shooting deaths of Kendra James in May 2003 and James Jahar Perez in March 2004. Both shootings, which involved white Portland police officers shooting black motorists, prompted community outrage after grand juries cleared the officers of wrongdoing.

Last year, the family of James Chasse criticized Schruck for failing to get an indictment of three officers involved in the mentally ill man's death.

Schrunk said the bill contained sufficient safeguards on disclosure of the transcripts, giving witnesses, the officers or the police agency involved the chance to petition the court to seal all or part of the transcript.

Beglau said the matter should be left to each county to decide how to handle. Multnomah County presents all deaths in police custody to a grand jury for review; other counties leave it to the discretion of the district attorney.

## DAs testify against recording requirement

Group worries it  
will make witnesses  
less forthcoming

The Associated Press

A pair of district attorneys testified against a proposal that would require the state to record testimony when grand juries consider cases involving deaths at the hands of police.

District Attorney Bob Hermann of Washington County and District Attorney Walt Beglau of Marion County addressed the Senate Judiciary Committee on Thursday on behalf of the Oregon District Attorney's Association, which worries that the recording requirement may lead witnesses to be less forthcoming with information.

Beglau said grand juries exist as a check against the potential abuse of the government's power to charge individuals with crimes, and have been kept secret to help protect witnesses, victims and grand jurors against retaliation.

"This fundamentally changes that process for one class of citizen," he said, referring to law enforcement officers.

But one Oregon district attorney was firmly on the other side of the issue. District Attorney Michael Schrunk of Multnomah County testified that the release of grand jury transcripts in these sometimes controversial cases would allow citizens to judge the facts for themselves.

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## Reporting forces accountability

It's not news when planes stay in the sky, and it shouldn't be news when police officers use the least amount of force necessary to make an arrest. That just means police are doing their jobs exactly as they should be done.

The recent report on the use of force in the Portland Police Bureau, for example, shows something very right is going on. Although it may not be startling, it is reassuring to learn that the bureau's use-of-force statistics reflect a quiet evolution.

Not only are Portland police using less force than most of us tend to imagine, but it also appears they are using less than officers themselves thought they needed just five years ago.

And two groups in particular, the Central Precinct and officers who patrol TriMet, have brought use of force down quite markedly. They are now in line with the rest of the bureau.

What has changed? Just about everything. The bureau's leadership, its policy on the use of force, its training and even its weaponry. Now every uniformed officer on a shift carries a Taser. Some within the bureau credit the decline in officer-involved shootings directly to this fact.

The bureau began collecting use-of-force data in 2004, partially in response to community outrage over the 2003 shooting death of Kendra James. It wasn't until 2006, though, after the death in police custody of the mentally ill James P. Chase Jr., that former City Auditor Gary Blackmer decided it was imperative to analyze the data.

Although you can still find officers opposed to the reporting system, many have recognized there is something in this unparalleled window into policing. The reports pinpoint problems, but also document the bureau is genuinely trying to solve them.

*The Oregonian*